

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

GORDIAN MEDICAL, INC.,

Plaintiff,

vs.

LANIER M. CANSLER, Secretary of
the North Carolina Department of Health
and Human Services, in his official
capacity; CRAIGAN L. GRAY,
Director, Division of Medical
Assistance, North Carolina Department
of Health and Human Services, in his
official capacity; and TARA R.
LARSON, Chief Clinical Operations
Officer, Division of Medical Assistance,
North Carolina Department of Health
and Human Services, in her official
capacity,

Defendants.

Civil Action No. 5:10-CV-45-F

WAIVER OF SERVICE OF
SUMMONS EXECUTED

Pursuant to Rule 4(d) of the Federal Rules of Civil Procedure, Plaintiff Gordian Medical, Inc. ("Gordian Medical") hereby files the Waiver of Service of Summons executed by Defendant Craigan L. Gray, attached hereto as Exhibit 1. Counsel for Gordian Medical sent the Request for Waiver of Service to Defendant Gray on February 10, 2010.

Respectfully submitted this, the 9th day of March, 2010.

NELSON MULLINS RILEY & SCARBOROUGH LLP

By: /s/ Stephen D. Martin

Wallace C. Hollowell, III

N.C. Bar No. 24304

E-Mail Address: chuck.hollowell@nelsonmullins.com

Stephen D. Martin

N.C. Bar No. 28658

E-Mail Address: steve.martin@nelsonmullins.com

4140 Parklake Avenue / GlenLake One

Second Floor

Raleigh, NC 27612

Telephone: (919) 877-3800

Facsimile: (919) 877-3799

Counsel for Plaintiff Gordian Medical, Inc.

CERTIFICATE OF SERVICE

I, the undersigned attorney of the law offices of Nelson Mullins Riley & Scarborough LLP, attorneys for Plaintiff Gordian Medical, Inc., do hereby certify that on March 9, 2010, I have mailed the document to the following non CM/ECF participant:

Attorney General Roy Cooper
North Carolina Department of Justice
9001 Mail Service Center
Raleigh, NC 27699-9001

Lanier M. Cansler, Secretary
N.C. Department of Health and Human Services
2001 Mail Service Center
Raleigh, NC 27699-2001

Craig L. Gray, Director
Division of Medical Assistance
N.C. Department of Health and Human Services
2501 Mail Service Center
Raleigh, NC 27699-2501

Tara R. Larson
Chief Clinical Operations Officer
Division of Medical Assistance
N.C. Department of Health and Human Services
2501 Mail Service Center
Raleigh, NC 27699-2501

NELSON MULLINS RILEY & SCARBOROUGH LLP

By: /s/ Stephen D. Martin

Stephen D. Martin
N.C. Bar No. 28658
E-Mail Address: steve.martin@nelsonmullins.com
4140 Parklake Avenue / GlenLake One
Second Floor
Raleigh, NC 27612
Telephone: (919) 877-3800
Facsimile: (919) 877-3799

Counsel for Plaintiff Gordian Medical, Inc.

WAIVER OF SERVICE OF SUMMONS

TO: Wallace C. Hollowell, III

I acknowledge receipt of your request that I waive serve of a summons in the action of *Gordian Medical, Inc. v. Lanier M. Cansler, et al.*, which is case number 5: 10-cv-45 in the United States District Court for the Eastern District of North Carolina. I have also received a copy of the complaint in the action, two copies of this instrument, and a means by which I can return the signed waiver to you without cost to me.

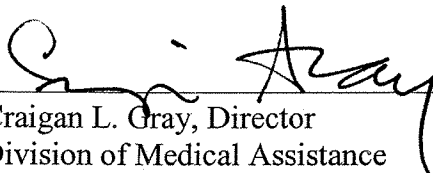
I agree to save the cost of service of a summons and an additional copy of the complaint in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4.

I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the summons or in the service of the summons.

I understand that a judgment may be entered against me (or the party on whose behalf I am acting) if an answer or motion under Rule 12 is not served upon you within 60 days after February 10, 2010, or within 90 days after that date if the request was sent outside the United States.

Date: _____

3/8/10



Craig L. Gray, Director
Division of Medical Assistance
N. C. Department of Health and Human Services

EXHIBIT

1